

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

ACUITY,)	
)	
Plaintiff,)	
)	
vs.)	ORDER GRANTING
)	MOTION FOR DEFAULT
)	JUDGMENT
North Central Video, LLLP, d/b/a)	
Blockbuster Video, Dominic James)	
Simnioniw, Lyle Edward Hilderman, and)	
Heather Thomas,)	
)	Case No. 1:05-cv-010
Defendant.)	

This is a declaratory judgment action brought by plaintiff Acuity, an insurance company, seeking a determination of certain coverage relating to defendants North Central Video, LLLP, d/b/a Blockbuster Video, Dominic James Simnioniw, and Lyle Edward Hilderman, relative to claims being prosecuted against them in state court by defendant Heather Thomas. Defendant Simnioniw failed to appear and the remaining parties consented to have this matter heard by Magistrate Judge Charles S. Miller, Jr.

After having reviewed the record and good cause having been shown, Acuity's motion for default judgment (Doc. #75) as to defendant Simnioniw is **GRANTED** and the clerk is **ORDERED** to include in the final judgment a declaration that defendant Simnioniw has no claim for indemnity against Acuity for any liability of defendants Simnioniw and Hilderman in the state court action: Civil #08-04-02232, District Court, Burleigh County, South Central Judicial District, State of North Dakota.

Dated this 7th day of May, 2007.

/s/ Patrick A. Conmy
Patrick A. Conmy, Senior District Judge
United States District Court